



**US Army Corps
of Engineers**
Philadelphia District

Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OP-R

Public Notice

Public Notice No.
CENAP-OP-R-200601252-35

Date
NOV 09 2006

Application No.

File No.

In Reply Refer to:
REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: Sunset Bay of Wildwood, LLC

AGENT: Mr. Vincent Orlando, P.E.
Engineering Design Associates
Cambridge Professional Offices
5 Cambridge Drive
Ocean View, NJ 08230-1228

WATERWAY: Sunset Lake

LOCATION: Park Boulevard, Lots 4, 4.01, 5, 5.01, 6, 6.01; Block 33, Wildwood Crest Borough, Cape May County, New Jersey (Enclosure 1 & 2).

ACTIVITY: Sunset Bay of Wildwood LLC is proposing to legalize two existing docks and nine mooring piles constructed without prior Department of the Army authorization.

The two docks and nine mooring, constructed with ACQ pressure treated wood, were constructed on March 3, 2005. The docks measure 6' wide and 38' long. Four boats, with a draft of 18" to 24" would be moored at on this property. Three to four structures existed on the property prior to March 2005 (Enclosures 3-5).

Depths in the mooring area range from -1' to -6' mean low water. The applicant agent stated that dredging is not required.

PURPOSE: The applicant's stated purpose is to provide private mooring for recreational vessels.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 15 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

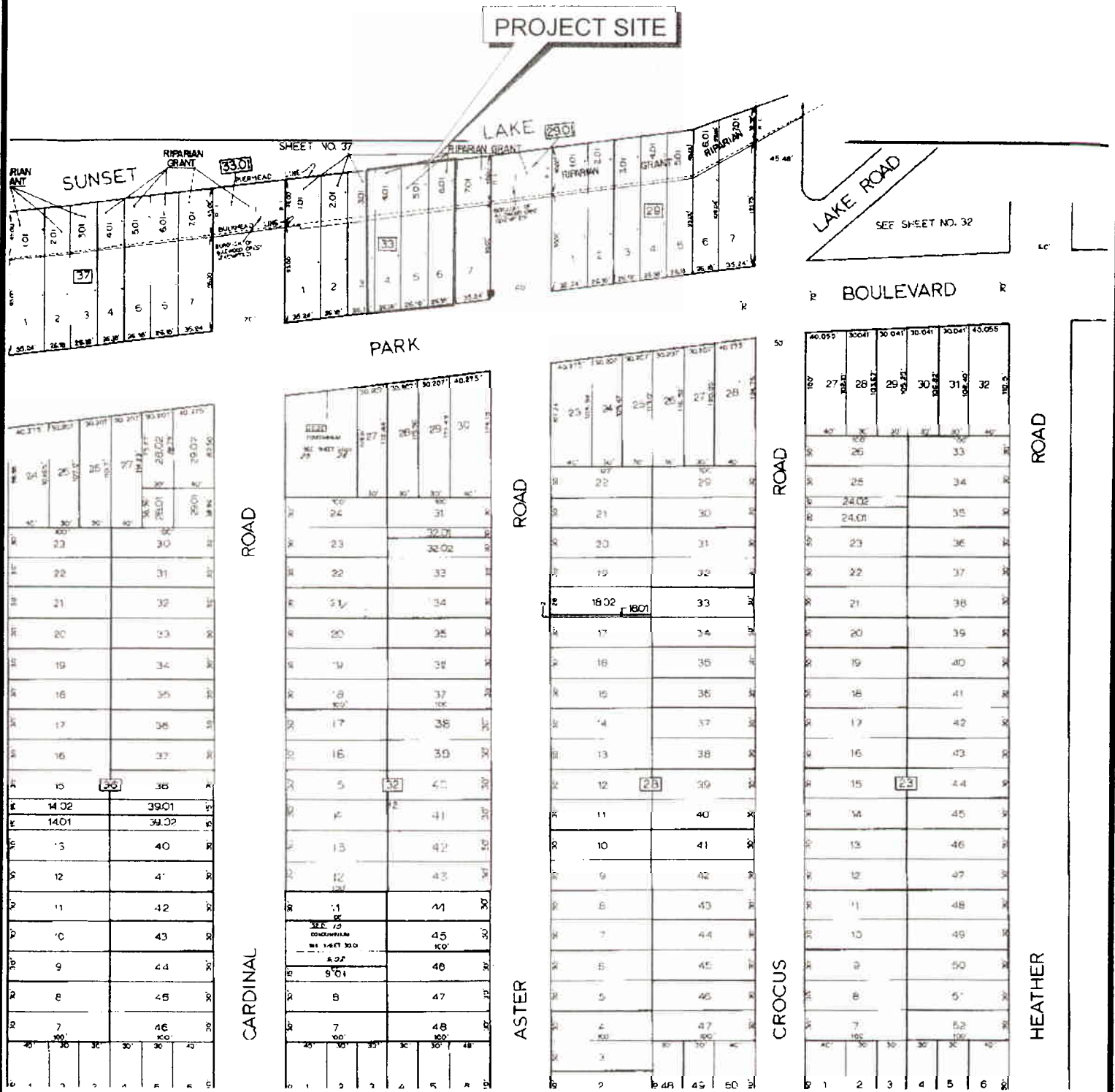
The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH). A preliminary assessment of the species listed in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999, specifically page 72 indicates that the project adversely affects Winter Flounder, Windowpane Flounder, Summer Flounder, Scup, and Black Sea Bass. The adverse effect is related to the leachates from the ACQ treated dock construction material and pollutants from unburnt hydrocarbons in the water from vessels moored at the site. Conservation measures to reduce the adverse impact could include mooring vessels in boat lifts and future reconstruction of the docks using non-polluting materials.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Michael H. Hayduk at (215) 656-5822 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.


Frank J. Cianfrani
Chief, Regulatory Branch



THESE MAPS ARE TO BE UTILIZED FOR VIEWING PURPOSES ONLY. MAPPING INFORMATION TAKEN FROM NJDEP GIS MAPPING WEBSITE, LOCAL TAX MAP OR ROAD MAP RESOURCES.

TAX MAP
BLOCK 33, 4, 4.01, 5, 5.01, 6 & 6.01
BOROUGH OF WILDWOOD CREST
CAPE MAY COUNTY, NJ

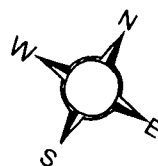
DATE:
3-12-04

DRAWN BY:
JWK

SCALE:
NTS

EDA #:
4666

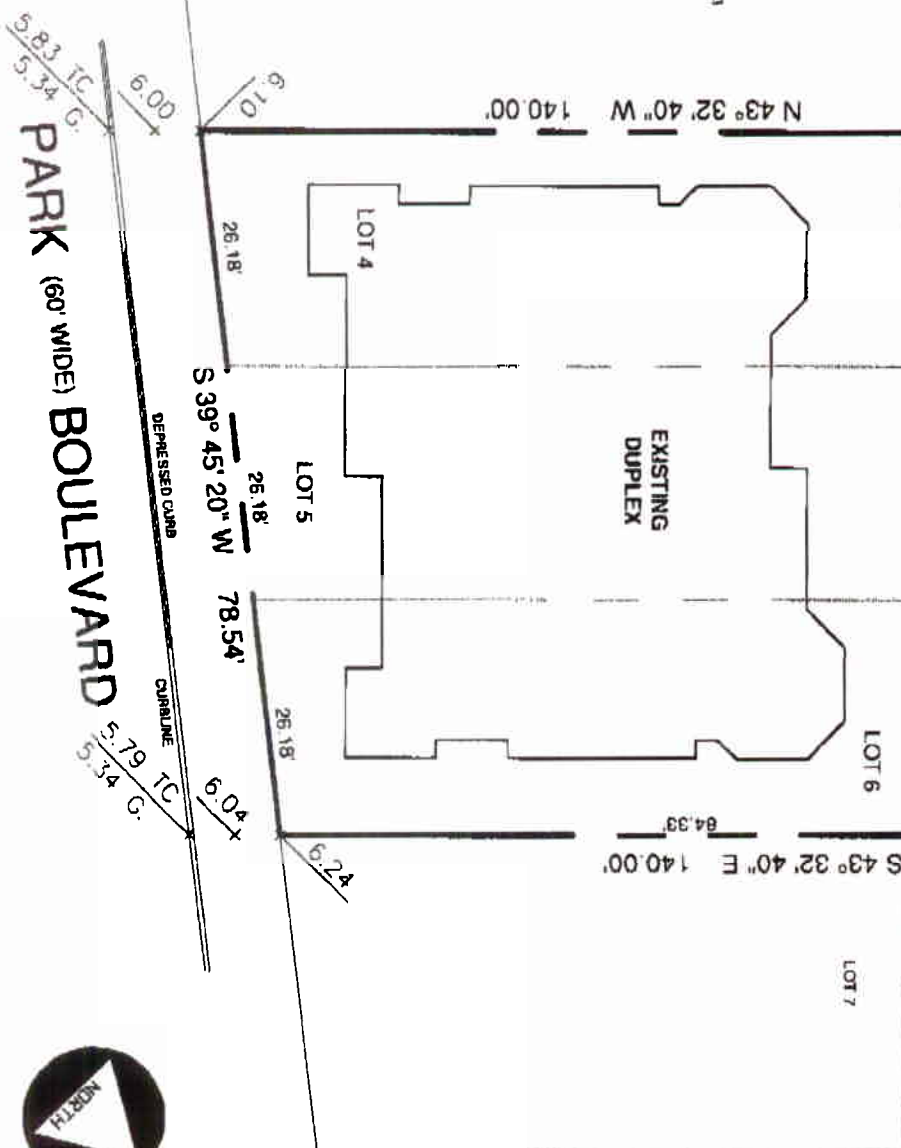
CHECKED BY:
JWK



ENCLOSURE I

MATCH LINE

CARDINAL ROAD (70' WIDE)



PARK (60' WIDE) BOULEVARD

ASTER (60' WIDE) ROAD



EDA Engineers - Landscape Architects - Planners

DATE: 10-02-08	DRAWN BY: EAC
SCALE: 1" = 30'	CHECKED BY: VCO
PROJECT & APPR. SHEET: 1 OF 2	



NO.	DATE	BY

VINCENT C. ORLANDO
PROFESSIONAL ENGINEER
N.J. P.E. L.C. #33489

EDA Engineering Design Associates, P.A.
Cambridge Professional Office
5 Cambridge Drive Ocean View, New Jersey 08230
(609) 390-9988 FAX (609) 390-9984

WATERFRONT DEVELOPMENT PLAN
BLOCK 33 LOTS 4, 4.01, 5, 5.01, 6, 6.01
BOROUGH OF WILDWOOD CREST
CAPE MAY COUNTY, NEW JERSEY



EXTENDED
PROPERTY LINE

PIERHEAD LINE AS
ESTABLISHED BY THE STATE
OF NEW JERSEY BOARD OF
COMMERCE AND NAVIGATION

EDGE OF CHANNEL

Q OF CHANNEL

EXTENDED
PROPERTY LINE

MATCH LINE

TOP=6.06
801.530

10' WIDE PUBLIC ACCESS EASEMENT
S 39° 32' 18" W 78.58'

EXISTING BULKHEAD, MEAN
HIGH WATER LINE, SPRING HIGH
WATER LINE, HIGH TIDE LINE

EDA

VINCENT C. ORLANDO

PROFESSIONAL ENGINEER
N.J.P.E. NO. 40840

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Design
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CAMBRIDGE PROFESSIONAL OFFICES
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BLOCK 33 LOTS 4, 4.01, 5, 5.01, 6, 6.01
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